

IAP7 Rec'd PCT/PTO 10 MAY 2006
PTO-1500 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 5969-101
INTERNATIONAL APPLICATION NO. PCT/US2005/09998	INTERNATIONAL FILING DATE 25 Mar 2005	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/578739
TITLE OF INVENTION SYSTEM AND METHOD FOR SCALABLE MULTIFUNCTIONAL NETWORK COMMUNICATION		
APPLICANT(S) FOR DO/EO/US LA JOLLA NETWORKS, INC.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
Items 11 to 20 below concern document(s) or information included:		
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.15) 10/578739	INTERNATIONAL APPLICATION NO. PCT/US2005/09998	ATTORNEY'S DOCKET NUMBER 5969-101
--	---	--------------------------------------

20. Other items or information:

Statement Under 37 CFR 3.73(b)**Copy of Notice of Recordation of Assignment Document****Copy of PCT Notification of the Recording of a Change**

The following fees have been submitted			CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....	\$300		\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))			\$ 200.00	
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....	\$0			
All other situations.....	\$200			
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....	\$0		\$ 100.00	
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....	\$100			
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....	\$400			
All other situations.....	\$500			
TOTAL OF 21, 22 and 23 =			600.00	
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(l)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	
163 - 100 =	63 /50 =	100	x \$250	\$ 500.00
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).			\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	73 - 20 =	53	x \$ 50	\$ 2650.00
Independent claims	4 - 3 =	1	x \$200	\$ 200.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$
TOTAL OF ABOVE CALCULATIONS =			\$ 3950.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.				
SUBTOTAL =			\$ 1975.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).			+ \$ 0.00	
TOTAL NATIONAL FEE =			\$ 1975.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property			+ \$	
TOTAL FEES ENCLOSED =			\$ 1975.00	
			Amount to be refunded:	\$
			Amount to be charged	\$

10/1578739

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 502635. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:
DUCKOR SPRADLING METZGER & WYNNE
 A Law Corporation
 401 West A Street, Suite 2400
 San Diego, CA 92101


 SIGNATURE
BERNARD L. KLEINKE
 NAME
 22123
 REGISTRATION NUMBER

10/578739
AP12 Rec'd PCT/PTO 10 MAY 2006
Atty. Dkt. No. 5969-101/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James C. Tiernan, et al.

Title: SYSTEM AND METHOD FOR
SCALABLE
MULTIFUNCTIONAL
NETWORK COMMUNICATION

Appl. No.: PCT/US2005/009998

Filing Date: March 25, 2005

Examiner: Not yet assigned

Art Unit: Not yet assigned

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 812431265 US (Express Mail Label Number)	May 10, 2006 (Date of Deposit)
_____  (Signature)	
_____ Bernard L. Kleinke (Printed Name)	

**UTILITY PATENT APPLICATION
TRANSMITTAL LETTER**

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith for filing under 37 C.F.R. § 1.53(b) is the nonprovisional utility patent application of:

James C. Tiernan
930 Via Mil Cumbres, #10
Solana Beach, CA 92075
U.S.A.

Jonathan Fellows
13161 Shalimer Place
Del Mar, CA 92014
U.S.A.

Applicant claims small entity status under 37 CFR 1.27.

Enclosed are:

- Transmittal Letter to the United States Designated/Elected Office (3 pgs)
 - Specification, Claims, and Abstract (142 pgs)
 - Formal drawings (21 sheets, Figures 19)
 - Declaration (2 pgs)
 - Application Data Sheet (37 CFR 1.76) (3 pgs)
 - Power of Attorney And Correspondence Address Indication Form (1 pg)
 - Statement Under 37 CFR 3.73(b) (1 pg)
 - Copy of Notice of Recordation of Assignment Document (4 pgs)
 - Copy of PCT Notification of the Recording of a Change (1 pg)
-
- Please charge the filing fee of \$1,975.00 pursuant to the Credit Card Authorization form enclosed.
 - The Commissioner is hereby authorized to charge any additional fees which may be required either now or in the future regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to the Deposit Account No. 502635 of DUCKOR SPRADLING METZGER & WYNNE. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to the Deposit Account No. 502635 of DUCKOR SPRADLING METZGER & WYNNE. If any charges or fees must be paid in connection with the foregoing, concurrent or future communication (including, but not limited to, the payment of an extension fee or issue fees), or if any overpayment is to be refunded in connection with the above-identified application, any such charges or fees, or any such overpayment may be respectfully paid out of, or into, the Deposit Account No. 502635 of DUCKOR SPRADLING METZGER & WYNNE. If any such payment

10/578739
IAP12 Rec'd PCT/PTO 10 MAY 2006
Atty. Dkt. No. 5969-101/US

also requires a petition or extension request, please construe this authorization to pay as the necessary petition or request, which is required to accompany the payment.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

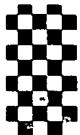
By Bernard L. Kleinke

Bernard L. Kleinke
Attorney for Applicant
Registration No. 22,123

Date May 9, 2006

DUCKOR SPRADLING METZGER & WYNNE
A Law Corporation
Customer Number 36412

Telephone: 619.231.3666
Facsimile: 619.231.6629
Email: kleinke@dsmwlaw.com



RightFax

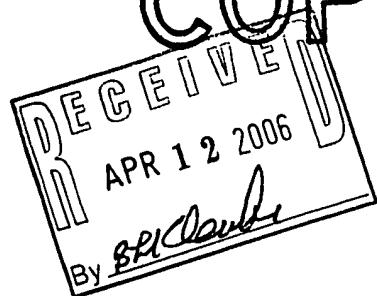
5969-200

4-14-06
DOCK

COPY

Facsimile Transmission

This company uses RightFAX® fax server software from RightFAX, Inc.



From: Name: USPTO ASSIGNMENT DIVISION
Fax Number:
Voice Phone: 571-272-3350

To: Name: BERNARD L. KLEINKE, ESQ.
Company: DUCKOR SPRADLING METZGER & WYNNE, L.C.
Fax Number: 16192316629
Voice Phone:

Fax Notes:

Pg# Description

- 1 Cover Page
2 590.TXT
4 Document 1, Batch 636924

PTAS FAX PROCESSING

Date and time of transmission: Wednesday, April 12, 2006 4:40:08 PM
Number of pages including this cover sheet: 04

A RightFAX® Communicated Document

RECEIVED TIME APR. 12. 1:41PM